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Date of Deposit: 3 November 1999

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Thomas McCracken

Typed or Printed Name of Person Mailing Paper or Fee

*Thomas McCracken*

Signature of Person Mailing Paper or Fee

Patent  
Attorney's Docket No. APF 18.20

**UTILITY PATENT  
APPLICATION TRANSMITTAL LETTER**

**Box PATENT APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed for filing is the utility patent application of Joel R. HAYNES, Georg WIDERA, James T. FULLER, Timothy SHIPLEY, Deborah FULLER, and Mary WU for ADJUVANTED GENETIC VACCINES, claiming priority to US application serial no. 09/122,931, filed July 27, 1998, which is a continuation of US application serial no. 08/472,085, filed June 7, 1995.

Also enclosed are:

[X] 1 sheet(s) of [ ] formal [X] informal drawing(s); and

[X] Other: Title Page and a return receipt postcard.

The declaration (unexecuted) of the inventor also is enclosed.

The filing fee has been calculated as follows:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
BASIC APPLICATION FEE					\$ 760.00
TOTAL CLAIMS	43	MINUS 20 =	23	x \$18 =	414.00
INDEPENDENT CLAIMS	4	MINUS 3 =	1	x \$78 =	78.00
IF MULTIPLE DEPENDENT CLAIMS ARE PRESENTED, ADD \$260.00					0
TOTAL APPLICATION FEE					1252.00
ADD ASSIGNMENT RECORDING FEE OF \$40.00 IF ASSIGNMENT DOCUMENT IS ENCLOSED					0
TOTAL APPLICATION FEE DUE					\$1252.00

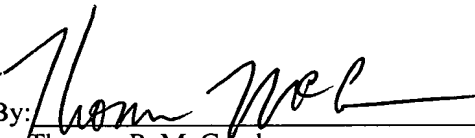
[X] No fees are enclosed.

Please address all correspondence concerning the present application to:

Thomas P. McCracken  
POWDERJECT TECHNOLOGIES INC.  
6511 Dumbarton Circle  
Fremont, California 94555.

Respectfully submitted,

Date: 3 November 1999

By:   
Thomas P. McCracken  
Registration No. 38,548  
Attorney for Applicant

POWDERJECT TECHNOLOGIES INC.  
6511 Dumbarton Circle  
Fremont, California 94555  
Telephone: (510) 742-9700  
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66E011 22EE460

APF 18.20

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Thomas McCracken

Typed or Printed Name of Person Mailing Paper or Fee

Thomas McCracken

Signature of Person Mailing Paper or Fee

Application for U.S. Letters Patent, Entitled:

ADJUVANTED GENETIC VACCINES

claiming priority to U.S. application serial no. 09/122,931, filed July 27, 1998, which is a continuation of U.S. application serial no. 08/472,085, filed June 7, 1995.

by Inventors:

Joel R. Haynes  
Georg Widera  
James T. Fuller  
Timothy Shipley  
Deborah Fuller  
Mary Wu

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Fremont, CA 94555  
Telephone: (510) 742-9700  
Facsimile: (510) 742-9720

09437 44E460

COPY

Atty Dkt No. 7011-0008  
Client No. APF18  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

HAYNES et al.

Serial No.: 08/472,085

Art Unit: 1804

Filing Date: June 7, 1995

Examiner: C. Low

Title: GENETIC VACCINES FOR INFECTIOUS DISEASE



TERMINAL DISCLAIMER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. I, Thomas P. McCracken, state that I am an attorney of record in the above-captioned application and am a representative authorized to sign this document on behalf of PowderJect Vaccines, Inc., the assignee for this invention.

2. The assignee is PowderJect Vaccines, Inc., a Delaware corporation, having a place of business at 585 Science Drive, Suite C, Madison, WI 53711.

3. The assignee is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-captioned application, U.S. Serial No. 08/472,085, filed June 7, 1995 by virtue of an assignment recorded October 20, 1997, at Reel 8761, Frame 0036.

4. In accordance with 37 C.F.R. §3.73(b), the undersigned hereby certifies that the evidentiary documents with respect to the assignee's ownership, a copy of which is appended hereto, has been reviewed and that, to the best of his/her knowledge and belief, title is in the assignee seeking to take this action.

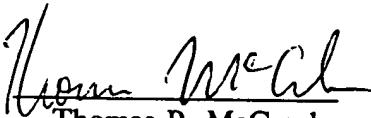
5. The assignee hereby disclaims the terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application, or to any

Atty Dkt No. 7011-0008  
USSN: 08/472,085  
PATENT

patent granted on any continuing application that contains a specific reference to this application under 37 U.S.C. § 120, 121 or 365(c).

6. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648. **A duplicate copy of this sheet is enclosed.**

Executed at Menlo Park, California

By:   
Thomas P. McCracken  
Attorney of Record

Date: 12/17/97

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A/C PATENTS

In re Application of  
Joel R. Haynes et al  
Application No. 08/472,085  
Filed: June 7, 1995  
Attorney Docket No. 7011-0008

ON PETITION

7011-0008

book +  
PATTSY

**DOCKETED**

TPM

Appeal Brief due 3/27/98  
LD 7/27/98

This is a decision on the petition under 37 CFR 1.137(b), filed December 18, 1997, to revive the above-identified application.

The petition is **GRANTED**.

This application is abandoned by operation of law for failure to timely reply to the final Office action mailed June 16, 1997, which set a three month shortened statutory period for filing a reply. No timely extensions of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is September 17, 1997. No Notice of Abandonment has been mailed in this case.

**THE 2-MONTH PERIOD FOR FILING THE APPEAL BRIEF, IN TRIPLICATE, ACCOMPANIED BY THE FEE REQUIRED BY LAW, RUNS FROM THE DATE OF THIS DECISION.**

The Terminal Disclaimer filed on December 18, 1997 has been accepted. The period disclaimed is four (4) months, which is equivalent to the period of abandonment.

Any continuing application filed from this application must contain a copy of this decision and a copy of the Terminal Disclaimer. The copies must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. In view thereof, the request for extension of time submitted with the petition is unnecessary. Accordingly, no extension of time fee has been assessed to petitioner's deposit account.

The file is being forwarded to Group 1800.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.



Frances Hicks

Petitions Examiner

Office of Petitions

Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects